

104TH CONGRESS
2D SESSION

H.R. 123

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 1996

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To amend title 4, United States Code, to declare English as the official language of the Government of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Bill Emerson English
3 Language Empowerment Act of 1996”.

4 **TITLE I—ENGLISH LANGUAGE**
5 **EMPOWERMENT**

6 **SEC. 101. FINDINGS.**

7 The Congress finds and declares the following:

8 (1) The United States is comprised of individ-
9 uals and groups from diverse ethnic, cultural, and
10 linguistic backgrounds.

11 (2) The United States has benefited and
12 continues to benefit from this rich diversity.

13 (3) Throughout the history of the United
14 States, the common thread binding individuals of
15 differing backgrounds has been a common language.

16 (4) In order to preserve unity in diversity, and
17 to prevent division along linguistic lines, the Federal
18 Government should maintain a language common to
19 all people.

20 (5) English has historically been the common
21 language and the language of opportunity in the
22 United States.

23 (6) The purpose of this title is to help immi-
24 grants better assimilate and take full advantage of
25 economic and occupational opportunities in the Unit-
26 ed States.

1 (7) By learning the English language, immi-
 2 grants will be empowered with the language skills
 3 and literacy necessary to become responsible citizens
 4 and productive workers in the United States.

5 (8) The use of a single common language in
 6 conducting official businesss of the Federal Govern-
 7 ment will promote efficiency and fairness to all peo-
 8 ple.

9 (9) English should be recognized in law as the
 10 language of official business of the Federal Govern-
 11 ment.

12 (10) Any monetary savings derived from the en-
 13 actment of this title should be used for the teaching
 14 of the English language to non-English speaking im-
 15 migrants.

16 **SEC. 102. ENGLISH AS THE OFFICIAL LANGUAGE OF FED-**
 17 **ERAL GOVERNMENT.**

18 (a) IN GENERAL.—Title 4, United States Code, is
 19 amended by adding at the end the following new chapter:

20 **“CHAPTER 6—LANGUAGE OF THE**
 21 **FEDERAL GOVERNMENT**

“Sec.

“161. Declaration of official language of Federal Government

“162. Preserving and enhancing the role of the official language

“163. Official Federal Government activities in English

“164. Standing

“165. Reform of naturalization requirements

“166. Application

“167. Rule of construction

“168. Affirmation of constitutional protections

“169. Definitions

1 **“§ 161. Declaration of official language of Federal**
2 **Government**

3 “The official language of the Federal Government is
4 English.

5 **“§ 162. Preserving and enhancing the role of the offi-**
6 **cial language**

7 “Representatives of the Federal Government shall
8 have an affirmative obligation to preserve and enhance the
9 role of English as the official language of the Federal Gov-
10 ernment. Such obligation shall include encouraging great-
11 er opportunities for individuals to learn the English lan-
12 guage.

13 **“§ 163. Official Federal Government activities in Eng-**
14 **lish**

15 “(a) CONDUCT OF BUSINESS.—Representatives of
16 the Federal Government shall conduct its official business
17 in English.

18 “(b) DENIAL OF SERVICES.—No person shall be de-
19 nied services, assistance, or facilities, directly or indirectly
20 provided by the Federal Government solely because the
21 person communicates in English.

22 “(c) ENTITLEMENT.—Every person in the United
23 States is entitled—

1 “(1) to communicate with representatives of the
2 Federal Government in English;

3 “(2) to receive information from or contribute
4 information to the Federal Government in English;
5 and

6 “(3) to be informed of or be subject to official
7 orders in English.

8 **“§ 164. Standing**

9 “A person injured by a violation of this chapter may
10 in a civil action (including an action under chapter 151
11 of title 28) obtain appropriate relief.

12 **“§ 165. Reform of naturalization requirements**

13 “(a) FLUENCY.—It has been the longstanding na-
14 tional belief that full citizenship in the United States re-
15 quires fluency in English. English is the language of op-
16 portunity for all immigrants to take their rightful place
17 in society in the United States.

18 “(b) CEREMONIES.—All authorized officials shall
19 conduct all naturalization ceremonies entirely in English.

20 **“§ 166. Application**

21 “Except as otherwise provided in this chapter, the
22 provisions of this chapter shall supersede any existing
23 Federal law that contravenes such provisions (such as by
24 requiring the use of a language other than English for
25 official business of the Federal Government).

1 **“§ 167. Rule of construction**

2 “Nothing in this chapter shall be construed—

3 “(1) to prohibit a Member of Congress or an
4 employee or official of the Federal Government,
5 while performing official business, from communicat-
6 ing orally with another person in a language other
7 than English;

8 “(2) to limit the preservation or use of Native
9 Alaskan or Native American languages (as defined
10 in the Native American Languages Act);

11 “(3) to discriminate against or restrict the
12 rights of any individual in the country; and

13 “(4) to discourage or prevent the use of lan-
14 guages other than English in any nonofficial capac-
15 ity.

16 **“§ 168. Affirmation of constitutional protections**

17 “Nothing in this chapter shall be construed to be in-
18 consistent with the Constitution of the United States.

19 **“§ 169. Definitions**

20 “For purposes of this chapter:

21 “(1) **FEDERAL GOVERNMENT.**—The term ‘Fed-
22 eral Government’ means all branches of the national
23 Government and all employees and officials of the
24 national Government while performing official busi-
25 ness.

1 “(2) OFFICIAL BUSINESS.—The term ‘official
2 business’ means governmental actions, documents,
3 or policies which are enforceable with the full weight
4 and authority of the Federal Government, and in-
5 cludes publications, income tax forms, and informa-
6 tional materials, but does not include—

7 “(A) teaching of languages;

8 “(B) requirements under the Individuals
9 with Disabilities Education Act;

10 “(C) actions, documents, or policies nec-
11 essary for—

12 “(i) national security issues; or

13 “(ii) international relations, trade, or
14 commerce;

15 “(D) actions or documents that protect the
16 public health and safety;

17 “(E) actions or documents that facilitate
18 the activities of the Bureau of the Census in
19 compiling any census of population;

20 “(F) actions, documents, or policies that
21 are not enforceable in the United States;

22 “(G) actions that protect the rights of vic-
23 tims of crimes or criminal defendants;

24 “(H) actions in which the United States
25 has initiated a civil lawsuit; or

1 “(I) using terms of art or phrases from
2 languages other than English.

3 “(3) UNITED STATES.—The term ‘United
4 States’ means the several States and the District of
5 Columbia.”.

6 (b) CONFORMING AMENDMENT.—The table of chap-
7 ters for title 4, United States Code, is amended by adding
8 at the end the following new item:

“6. Language of the Federal Government 161”.

9 **SEC. 103. PREEMPTION.**

10 This title (and the amendments made by this title)
11 shall not preempt any law of any State.

12 **SEC. 104. EFFECTIVE DATE.**

13 The amendments made by section 102 shall take ef-
14 fect on the date that is 180 days after the date of enact-
15 ment of this Act.

16 **TITLE II—REPEAL OF BILIN-** 17 **GUAL VOTING REQUIRE-** 18 **MENTS**

19 **SEC. 201. REPEAL OF BILINGUAL VOTING REQUIREMENTS**

20 (a) BILINGUAL ELECTION REQUIREMENTS.—Section
21 203 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–
22 1a) is repealed.

23 (b) VOTING RIGHTS.—Section 4 of the Voting Rights
24 Act of 1965 (42 U.S.C. 1973b) is amended by striking
25 subsection (f).

1 **SEC. 202. CONFORMING AMENDMENTS.**

2 (a) REFERENCES TO SECTION 203.—The Voting
3 Rights Act of 1965 (42 U.S.C. 1973 et seq.) is amended—

4 (1) in section 204, by striking “or 203,”; and

5 (2) in section 205, by striking “, 202, or 203”
6 and inserting “or 202”.

7 (b) REFERENCES TO SECTION 4.—The Voting Rights
8 Act of 1965 (42 U.S.C. 1973 et seq.) is amended—

9 (1) in sections 2(a), 3(a), 3(b), 3(c), 4(d), 5, 6,
10 and 13, by striking “, or in contravention of the
11 guarantees set forth in section 4(f)(2)”;

12 (2) in paragraphs (1)(A) and (3) of section
13 4(a), by striking “or (in the case of a State or sub-
14 division seeking a declaratory judgment under the
15 second sentence of this subsection) in contravention
16 of the guarantees of subsection (f)(2)”;

17 (3) in paragraph (1)(B) of section 4(a), by
18 striking “or (in the case of a State or subdivision
19 seeking a declaratory judgment under the second
20 sentence of this subsection) that denials or
21 abridgements of the right to vote in contravention of
22 the guarantees of subsection (f)(2) have occurred
23 anywhere in the territory of such State or subdivi-
24 sion”; and

25 (4) in paragraph (5) of section 4(a), by striking
26 “or (in the case of a State or subdivision which

1 sought a declaratory judgment under the second sen-
2 tence of this subsection) that denials or
3 abridgements of the right to vote in contravention of
4 the guarantees of subsection (f)(2) have occurred
5 anywhere in the territory of such State or subdivi-
6 sion”.

Passed the House of Representatives August 1,
1996.

Attest:

ROBIN H. CARLE,
Clerk.

LINDA NAVE,
Deputy Clerk.